

REMARKS

Entry of the foregoing amendments, reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of the foregoing amendments, Claims 2-7, 9-18 and 20-24 will be pending.

In complete response to the Office Action mailed October 19, 2004, Applicants respectfully request reconsideration based upon the claim amendments and the following remarks. In the Office Action, Claims 2-6, 12, 13, 16-18, 20 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schmitt et al. (U.S. Patent No. 5,673,768) in view of Nelson et al. (U.S. Patent No. 5,692,581). By way of the foregoing amendments, independent Claims 17 and 20 have been amended to include subject matter from dependent Claims 19 and 8, respectively. Accordingly, this ground of rejection has been rendered moot.

Similarly, Claims 7, 9-11, 14 and 15 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Schmitt et al. in view of Nelson et al. further in view of Feigenbaum et al. (U.S. Patent No. 5,437,071). This ground of rejection is also respectfully submitted to be moot in view of the foregoing amendments.

Claims 8 and 19 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Schmitt et al. in view of Nelson et al. further in view of the German Patent 4,125,780 to Berg. Specifically, as set forth in the Office Action on page 4, it is noted that the Berg patent describes the use of grooves 14 upon a first surface of the sleeve. Accordingly, the Office Action takes the position that it would have been obvious to one of ordinary skill in the art to modify the sleeve in Schmitt et al. in view of Nelson et al. by incorporating a plurality of grooves on the first surface as taught by Berg in order to increase the coefficient of friction of the sleeve and thereby the safety of the user stepping thereon.

First, it should be noted that the Claim 17 and 20 combinations include the provision of grooves on a surface of the sleeve **which is in contact with the rung**. By way of contrast, the grooves 14 relied upon in the Official Action of Berg are on a surface of the sleeve on which the user steps and not on the surface of the sleeve

which is in contact with the rung. For this reason, it is respectfully submitted that the proposed combination of these three references would not have motivated one of ordinary skill in the art to have arrived at Applicants' claimed combinations.

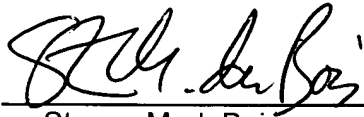
Secondly, it is respectfully submitted that there would have been no motivation to modify the combination of Schmitt et al. and Nelson et al. so as to provide grooves on the surface of the sleeve which contacts the rung whether one considers the teachings of Berg or not. More specifically, since the rung surfaces of Schmitt et al. and Nelson et al. are smooth, the primary and secondary references applied in this rejection actually teach away from Applicants' claimed feature of providing grooves on the surface of the sleeve which contacts the rung.

New Claims 21-24 have been added. These new claims are respectfully submitted to be patentably distinct from the documents of record.

For at least the foregoing reasons, it is respectfully submitted that the claimed combinations are in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner have any questions regarding the foregoing, he is encouraged to contact the undersigned at 540-361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By: 
Steven M. duBois
Registration No. 35,023

Date: March 9, 2005

Potomac Patent Group, PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-1863